REMARKS

This Reply is responsive to the non-final Office Action[1] having a mailing date of February 27, 2007. Claims 1-46 were presented and stand rejected. No claims are amended, canceled or added. Thus, claims 1-46 are pending. Claims 1, 20, 21 and 40 are independent claims.

Claims 1, 2, 3, 5, 6, 8, 13, 14, 19-23, 25, 26, 28, 33, 34, 39-41 and 45 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,820,055 to Saindon et al. (hereinafter, "Saindon"). Claims 9, 29, 42, 43 and 46 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Saindon. Claims 4, 7, 10-12, 15-18, 24, 27, 30-32, 35-38 and 44 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Saindon in view of U.S. Patent No. 6,360,237 to Schulz et al. (hereinafter, "Schulz"). Applicants respectfully traverse these rejections for the following reasons.

Saindon fails as a teaching reference in this instance. A fundamental failing in Saindon is derived from its constraint to automated language-translation (title) while Applicants' claimed subject matter is, quite differently, directed to human language-translation (title, and specification, e.g., ¶'s [0004], [0009], [0058], [0063]). This major difference between Saindon and Applicants' claims, as well as other notable differences, are all discussed in detail, hereinbelow. But first, consider an overview of the operation of Applicants' claimed subject matter as compared with the disclosure of Saindon.

Applicants' disclosure teaches a technique for aiding a human translator in the process of translating a communication from one language which is initially recorded in

[1] The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

audio format to another language. A textual transcription of that audio recording in the one language is provided. For example, see Applicants' Fig. 9 and Fig. 10. Transcription section 920 in the right-hand side of Fig. 9 is the space on the GUI terminal screen whereupon a transcription of the to-be-translated language appears. The right side of the GUI screen in Fig. 10 shows this transcription in Spanish language in this example. The displayed transcription is at least a portion of the audio recording, and the transcription is generated through computer operation.

Translation section 910 appears on the left side of the GUI terminal screen in Applicants' Fig. 9. Into this side of the screen, a user, who is a human translator (the customer of this product), and as shown in Fig. 10, types in the translated language from the visual display on the right side of the screen and from the synchronized audio recording. For example, on the depicted terminal screen in the left-hand side of Fig. 10, "There are 8 currencies of euros" was typed-in by the human translator in English, in this example, which corresponds to "Hay 8 monedas de euros" in Spanish which appears in the first line of the text in the right hand side of Fig. 10. As each successive word is spoken from the audio recording in Spanish it is synchronously highlighted in the displayed Spanish textual transcript, where "emitidas" is the Spanish word depicted as being highlighted since it is the next word in the sequence to be translated by the human translator. In addition, there is a configuration window which may appear on the left-hand side of the terminal screen in Fig. 10 as shown, allowing for at least the naming and saving of the translated English language version of the displayed message by the user-translator (customer).

In contrast to this activity as taught by Applicants' disclosure, Saindon does not perform its translations by human translators. For example, the term "language translator" is defined in Saindon, as follows:

> As used herein the term "language translator" refers to systems capable of converting audio or text from one language into another language. For example, a language translator may comprise translation software (e.g., software that is capable of converting text in one language to text in another language). Language translators may further comprise an error correction system. (Saindon, col 11, lines 18-24)

Clearly this is not describing a human translator, but is describing translation software or an equivalent technological system. Moreover, with reference to the GUI display of Fig. 4 in Saindon, only a textual transcription of an audio message is depicted on the display terminal. A translation of that textual transcription, or a reserved space for translation of that transcription is not depicted on Saindon's GUI, because there simply is no human translator in Saindon doing any translation work. Thus, there is a striking difference between what is being performed in accordance with the teachings of Applicants' disclosure and what is being performed in accordance with the teachings of Saindon. Next, consider the claim language itself.

Independent claim 1:

Claim 1 recites:

A method for facilitating translation of an audio signal that includes speech to another language, comprising:

retrieving a textual representation of the audio signal;

presenting the textual representation to a user;

receiving selection of a segment of the textual representation for translation;

obtaining a portion of the audio signal corresponding to the segment of the textual representation;

providing the segment of the textual representation and the portion of the audio signal to the user; and

receiving translation of the portion of the audio signal from the user.

Italics emphasis added. Applicants contend that Saindon does not disclose or suggest at least the above-italicized "selection receiving", "obtaining", "providing" and "translation receiving" steps of claim 1, for the following reasons.

Starting with the "obtaining" step first, Applicants note that no section of Saindon has been applied against it. To the extent that this non-citation is an indication that the Examiner believes that no section of Saindon is applicable against this step, Applicants agree. In support of Applicants' position it is noted that the recited "segment" in the obtaining step was received in the previously recited "selection receiving" step (discussed below) which was allegedly read-on by Saindon, col. 15, lines 56-65 [per telcon between the undersigned and the Examiner on 6/20/2007 she agreed that "56-55" in the Office Action really meant "56-65"]. That section says:

> In some embodiments, an error corrector is used to improve the accuracy of the speech to text conversion. Error correction can occur, for example, through the use of human and/or software transcription. For example, in some embodiments, text generated using voice recognition software is monitored by a human. Errors are identified and/or corrected. Where text is being streamed in real time or near real time, subsections of the text are reviewed for errors and corrected, allowing accurate text to be passed to the viewer in the minimum amount of time. (Saindon, col. 15, lines 56-65, emphasis added)

This section of Saindon is discussing the review of "subsections" of streamed text in real time by a human, and probably by the "captionist/transcriptionist" identified in col. 15, line 39 in Saindon. This review is performed for correcting errors in the transcription (i.e., in the text) prior to the transcription being translated. Apparently, it is one of these

"subsections" in Saindon that the Office Action alleges is equivalent to Applicants' recited "segment" for translation. If that be the case, then such subsection being reviewed for correction in Saindon does not have any accompanying audio. There is no description of accompanying audio in the above passage, or elsewhere in Saindon with respect to these subsections. These are subsections of text that are being reviewed for errors in the text by transcriptionists. Although the transcriptionists may listen to audio from which to make a transcription of the complete work in the first place (see Saindon, col. 15, lines 37-48), there is no teaching in Saindon that a "portion" of the audio signal is being obtained to correspond to any particular "segment." Thus, Saindon does not disclose or suggest: "obtaining a portion of the audio signal corresponding to the segment of the textual representation" as recited in claim 1. Applicants reiterate that the Office Action did not cite any section of Saindon against this "obtaining" step.

Next, considering the previously mentioned "selection receiving" step, it is noted that the received selection is received for "translation." However, as noted above with respect to the obtaining step, and as admitted in the Office Action, "*the transcriptionist selects a section of the translation for correction.*" (Office Action, pg. 2, italics in original and underline emphasis added) Clearly, selecting a section for *correction* is not selecting a section for *translation*. Translation is the process of going from one language to another language. But, correcting a translation is not going from one language to another language - rather, it is going from one language containing an error to the same language without that error. Accordingly, for the above reasons, "receiving selection of a segment of the textual representation for translation" as recited in claim 1 is not disclosed or suggested in Saindon.

Next, consider the "providing" step. Applicants are providing the segment to its "user." Applicants' user is its human translator who is the person who needs/wants Applicants' system to aid him/her in performing the function of language-translation. Applicant's user is the person who uses the display screen of Figs. 9/10 to translate its audio to text. However, the section in Saindon cited against the providing step, col. 15, lines 39-41, refers only to a captionist/transcriptionist who, although a human being, is not a human translator. This person is merely someone who converts audio to text in the same language. Saindon's captionist/transcriptionist is thus not equivalent to Applicants' recited "user" who is a human language-translator. Therefore, Saindon's col. 15, lines 39-41 section, or anyplace else in Saindon, does not disclose or suggest "providing the segment of the textual representation and the portion of the audio signal to the user" as recited in claim 1.

Finally, consider the "translation receiving" step which says that a translation of a portion of the audio signal is received from the "user." In other words, the user is translating a portion of the audio signal which is being received. Clearly, for all of the reasons discussed above, Applicants' recited user is a human language-translator. The Office Action cites the same column 15, lines 56-65 against this claim element, and says: *"the transcriptionist selects a section translation for correction"* (italics in original, Office Action pg. 3) As previously noted, the transcriptionist is not a human language-translator and, therefore, is not, and cannot be, the recited "user." In addition, selecting a section translation for correction, per the Office Action, by anyone, is not equivalent to translating a portion of the audio signal, for reasons given above. Therefore, Applicants submit that this section of Saindon, or anyplace else in Saindon, does not disclose or

suggest: "receiving translation of the portion of the audio signal from the user" as recited in claim 1.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *See Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). In this instance Saindon does not teach every element of claim 1, at least because it does not disclose a human language-translator. In particular, it does not teach at least the selection receiving, the portion obtaining, the segment providing and the translation receiving steps of claim 1 for reasons given above. Schulz was cited for purposes unrelated to this deficiency in Saindon, for example, for purposes of allegedly showing synchronization of audio and text and, therefore, does not cure this deficiency of Saindon. Therefore the 35 U.S.C. § 102(e) rejection of claim 1 should be withdrawn and the claim allowed.

Independent claims 20, 21 and 40 each recites subject matter similar to that recited in claim 1 and each is allowable for some, if not all, of the reasons presented above. For example, in claim 20, nothing was cited against: "means for retrieving an audio signal in the first language that corresponds to the portion of the textual representation" similar to the lack of citation in claim 1. Likewise, in claim 21, nothing was cited against: "a processor configured to execute the instructions in memory to: retrieve a portion of the audio signal corresponding to the portion of the transcription"

similar to the lack of citation in claim 1. In addition, claim 21 recites: "a processor configured to execute the instructions in memory to: receive translation of the portion of the audio signal from the user" which is not disclosed or suggested in Saindon for reasons given above.

And, for example, claim 40 recites, *interalia*, "A graphical user interface comprising: a translation section that receives a translation of the non-text information into a second language" and this is not disclosed in Saindon. Indeed, its GUI, as depicted in its Fig. 4, shows transcribed, but not translated, text and thus it does not show the "translation section" on its graphical user interface, as recited in claim 40.

Therefore, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claims 20, 21 and 40 should be withdrawn and the claims allowed.

Claims 2-19 are dependent from claim 1 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Claims 22-39 are dependent from claim 21 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Claims 41-46 are dependent from claim 40 and are allowable, at least for reasons based on their dependency from an allowable base claim.

The dependent claims are also independently allowable for reasons based on their respective individual recitations. For example, claim 42 is rejected under 35 U.S.C. § 103(a) as being un-patentable over Saindon. Claim 42 recites: "a configuration button, that when selected, causes a window to be presented, the window permitting an amount of backup to be specified, the amount of *backup including one of a predetermined amount of time and a predetermined number of words"* (emphasis added). This claim

limitation is referring to a "backup" of text - in other words, going backwards through the words of the text, retracing one's steps, to previously considered words in the text. The amount of backup can be measured in "amount of time" or "number of words" as recited in the claim. Clearly this has nothing to do with providing backup for system failure by providing backup components to stand in place of a system components that may have failed. Despite the clear irrelevancy, the Office Action cites precisely that function against this claim element.

The Office Action, page 8, cites Saindon, column 17, lines 50-60, and states: *"during times of system failure, software or hardware back up is used."* (italics in original). Saindon's solution to system failure has nothing to do with this element of Applicants' claim 42. Even if one were to read the word "backup" as broadly as possible, the backup description in Saindon does not disclose the kind of backup that can reasonably include an amount of backup measured by: "one of a predetermined amount of time and a predetermined number of words" as recited in claim 42. The backup component in Saindon simply substitutes for the failed component (hardware or software), and has nothing to do with backing-up to a previous word in the text being processed. Saindon does not disclose or suggest this claim element and, for this additional reason, the rejection of claim 42 should be withdrawn and the claim allowed.

CONCLUSION

In view of the foregoing remarks, reconsideration and allowance are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

By: _____
Joel Wall
Reg. No. 25,648

Date: June 23, 2007
c/o Eden U.I Stright
Verizon
Patent Management Group
1515 Courthouse Road, Suite 500
Arlington, VA 22201-2909
Tel: 703.351.3586
CUSTOMER NO. 25,537